

SECOND REGULAR SESSION

HOUSE BILL NO. 2485

101ST GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE KNIGHT.

5077H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal sections 260.200, 260.205, 260.210, and 260.212, RSMo, and to enact in lieu thereof four new sections relating to promoting advanced recycling.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Sections 260.200, 260.205, 260.210, and 260.212, RSMo, are repealed
2 and four new sections enacted in lieu thereof, to be known as sections 260.200, 260.205,
3 260.210, and 260.212, to read as follows:

260.200. 1. The following words and phrases when used in sections 260.200 to
2 260.345 shall mean:

3 (1) "Advanced recycling", a manufacturing process for the conversion of post-
4 use polymers and recovered feedstocks into basic hydrocarbon raw materials,
5 feedstocks, chemicals, and other products such as waxes and lubricants through
6 processes that include pyrolysis, gasification, depolymerization, catalytic cracking,
7 reforming, hydrogenation, solvolysis, and other similar technologies. The recycled
8 products produced at advanced recycling facilities include, but are not limited to,
9 monomers, oligomers, plastics, plastics and chemical feedstocks, basic and unfinished
10 chemicals, waxes, lubricants, coatings, and other basic hydrocarbons. Advanced
11 recycling shall not be considered solid waste disposal, solid waste processing, solid waste
12 management, or incineration;

13 (2) "Advanced recycling facility", a facility that receives, stores, and converts
14 post-use polymers and recovered feedstocks the facility receives using advanced
15 recycling. An advanced recycling facility is a manufacturing facility subject to
16 applicable department manufacturing regulations for air, water, waste, and land use.

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 **An advanced recycling facility shall not be considered a solid waste disposal area, solid**
18 **waste processing facility, solid waste management facility, or an incinerator;**

19 (3) "Alkaline-manganese battery" or "alkaline battery", a battery having a manganese
20 dioxide positive electrode, a zinc negative electrode, an alkaline electrolyte, including
21 alkaline-manganese button cell batteries intended for use in watches, calculators, and other
22 electronic products, and larger-sized alkaline-manganese batteries in general household use;

23 ~~[(2)]~~ (4) "Applicant", a person or persons seeking or holding a facility permit;

24 ~~[(3)]~~ (5) "Bioreactor", a municipal solid waste disposal area or portion of a municipal
25 solid waste disposal area where the controlled addition of liquid waste or water accelerates
26 both the decomposition of waste and landfill gas generation;

27 ~~[(4)]~~ (6) "Button cell battery" or "button cell", any small alkaline-manganese or
28 mercuric-oxide battery having the size and shape of a button;

29 ~~[(5)]~~ (7) "City", any incorporated city, town, or village;

30 ~~[(6)]~~ (8) "Clean fill", uncontaminated soil, rock, sand, gravel, concrete, asphaltic
31 concrete, cinderblocks, brick, minimal amounts of wood and metal, and inert solids as
32 approved by rule or policy of the department for fill, reclamation or other beneficial use;

33 ~~[(7)]~~ (9) "Closure", the permanent cessation of active disposal operations,
34 abandonment of the disposal area, revocation of the permit or filling with waste of all
35 areas and volumes specified in the permit and preparing the area for long-term care;

36 ~~[(8)]~~ (10) "Closure plan", plans, designs and relevant data which specify the methods
37 and schedule by which the operator will complete or cease disposal operations, prepare the
38 area for long-term care, and make the area suitable for other uses, to achieve the purposes of
39 sections 260.200 to 260.345 and the regulations promulgated thereunder;

40 ~~[(9)]~~ (11) "Conference, conciliation and persuasion", a process of verbal or written
41 communications consisting of meetings, reports, correspondence or telephone conferences
42 between authorized representatives of the department and the alleged violator. The process
43 shall, at a minimum, consist of one offer to meet with the alleged violator tendered by the
44 department. During any such meeting, the department and the alleged violator shall negotiate
45 in good faith to eliminate the alleged violation and shall attempt to agree upon a plan to
46 achieve compliance;

47 ~~[(10)]~~ (12) "Construction and demolition waste", waste materials from the
48 construction and demolition of residential, industrial, or commercial structures, but shall
49 not include materials defined as clean fill under this section;

50 ~~[(11)]~~ (13) "Demolition landfill", a solid waste disposal area used for the controlled
51 disposal of demolition wastes, construction materials, brush, wood wastes, soil, rock,
52 concrete and inert solids insoluble in water;

53 ~~[(12)]~~ (14) "Department", the department of natural resources;

54 ~~[(13)]~~ **(15) "Depolymerization", a manufacturing process in which post-use**
55 **polymers are broken into smaller molecules such as monomers and oligomers or raw,**
56 **intermediate, or final products, plastics and chemical feedstocks, basic and unfinished**
57 **chemicals, waxes, lubricants, coatings, and other basic hydrocarbons;**
58 **(16) "Director", the director of the department of natural resources;**
59 ~~[(14)]~~ **(17) "Disclosure statement", a sworn statement or affirmation, in such form as**
60 **may be required by the director of the department of natural resources, which includes:**
61 (a) The full names and business address of key personnel;
62 (b) The full name and business address of any entity, other than a natural person, that
63 collects, transfers, processes, treats, stores, or disposes of solid waste in which all key
64 personnel holds an equity interest of seven percent or more;
65 (c) A description of the business experience of all key personnel listed in the
66 disclosure statement;
67 (d) For the five-year period ending on the date the sworn disclosure statement or
68 affirmation is signed by key personnel:
69 a. A listing organized by issuing federal, state, or county or county-equivalent
70 regulatory body of all environmental permits or licenses for the collection, transfer, treatment,
71 processing, storage, or disposal of solid waste issued to or held by any key personnel;
72 b. A listing and explanation of notices of violation which shall by rule be defined,
73 prosecutions, or other administrative enforcement actions resulting in an adjudication or
74 conviction;
75 c. A listing of license or permit suspensions, revocations, or denials issued by any
76 state, the federal government or a county or county equivalent, which are pending or have
77 concluded with a finding of violation or entry of a consent agreement regarding an allegation
78 of civil or criminal violation of law, regulation or requirement relating to the collection,
79 transfer, treatment, processing, storage, or disposal of solid waste or violation of the
80 environmental statutes of other states or federal statutes;
81 d. An itemized list of all felony convictions under the laws of the state of Missouri or
82 the equivalent thereof under the laws of any other jurisdiction; and a listing of any findings of
83 guilt for any crimes or criminal acts an element of which involves restraint of trade, price-
84 fixing, intimidation of the customers of another person or for engaging in any other acts
85 which may have the effect of restraining or limiting competition concerning activities
86 regulated pursuant to this chapter or similar laws of other states or the federal government
87 including, but not limited to, racketeering or violation of antitrust laws of any key personnel;
88 ~~[(15)]~~ **(18) "District", a solid waste management district established under section**
89 **260.305;**

90 ~~[(16)]~~ (19) "Financial assurance instrument", an instrument or instruments, including,
91 but not limited to, cash or surety bond, letters of credit, corporate guarantee or secured trust
92 fund, submitted by the applicant to ensure proper closure and postclosure care and corrective
93 action of a solid waste disposal area in the event that the operator fails to correctly perform
94 closure and postclosure care and corrective action requirements, except that the financial test
95 for the corporate guarantee shall not exceed one and one-half times the estimated cost of
96 closure and postclosure. The form and content of the financial assurance instrument shall
97 meet or exceed the requirements of the department. The instrument shall be reviewed and
98 approved or disapproved by the attorney general;

99 ~~[(17)]~~ (20) "Flood area", any area inundated by the one hundred year flood event, or
100 the flood event with a one percent chance of occurring in any given year;

101 ~~[(18)]~~ (21) **"Gasification", a manufacturing process through which recovered**
102 **feedstocks are heated and converted into a fuel-gas mixture in an oxygen-deficient**
103 **atmosphere and the mixture is converted into valuable raw materials and intermediate**
104 **and final products including, but not limited to, plastic monomers, chemicals, waxes,**
105 **lubricants, plastic and chemical feedstocks, and other basic hydrocarbons, that are**
106 **returned to economic utility in the form of raw materials and products;**

107 (22) "Household consumer", an individual who generates used motor oil through the
108 maintenance of the individual's personal motor vehicle, vessel, airplane, or other machinery
109 powered by an internal combustion engine;

110 ~~[(19)]~~ (23) "Household consumer used motor oil collection center", any site or facility
111 that accepts or aggregates and stores used motor oil collected only from household consumers
112 or farmers who generate an average of twenty-five gallons per month or less of used motor oil
113 in a calendar year. This section shall not preclude a commercial generator from operating a
114 household consumer used motor oil collection center;

115 ~~[(20)]~~ (24) "Household consumer used motor oil collection system", any used motor
116 oil collection center at publicly owned facilities or private locations, any curbside collection
117 of household consumer used motor oil, or any other household consumer used motor oil
118 collection program determined by the department to further the purposes of sections 260.200
119 to 260.345;

120 ~~[(21)]~~ (25) "Infectious waste", waste in quantities and characteristics as determined
121 by the department by rule, including isolation wastes, cultures and stocks of etiologic agents,
122 blood and blood products, pathological wastes, other wastes from surgery and autopsy,
123 contaminated laboratory wastes, sharps, dialysis unit wastes, discarded biologicals known or
124 suspected to be infectious; provided, however, that infectious waste does not mean waste
125 treated to department specifications;

126 ~~[(22)]~~ **(26)** "Key personnel", the applicant itself and any person employed by the
127 applicant in a managerial capacity, or empowered to make discretionary decisions with
128 respect to the solid waste operations of the applicant in Missouri, but shall not include
129 employees exclusively engaged in the physical or mechanical collection, transfer,
130 transportation, treatment, processing, storage, or disposal of solid waste and such other
131 employees as the director of the department of natural resources may designate by regulation.
132 If the applicant has not previously conducted solid waste operations in Missouri, the term also
133 includes any officer, director, partner of the applicant, or any holder of seven percent or more
134 of the equity or debt of the applicant. If any holder of seven percent or more of the equity or
135 debt of the applicant or of any key personnel is not a natural person, the term includes all key
136 personnel of that entity, provided that where such entity is a chartered lending institution or a
137 reporting company under the federal Securities Exchange Act of 1934 **(15 U.S.C. Section 78a**
138 **et seq.), as amended**, the term does not include key personnel of such entity. Provided
139 further that the term means the chief executive officer of any agency of the United States or of
140 any agency or political subdivision of the state of Missouri, and all key personnel of any
141 person, other than a natural person, that operates a landfill or other facility for the collection,
142 transfer, treatment, processing, storage, or disposal of nonhazardous solid waste under
143 contract with or for one of those governmental entities;

144 ~~[(23)]~~ **(27)** "Lead-acid battery", a battery designed to contain lead and sulfuric acid
145 with a nominal voltage of at least six volts and of the type intended for use in motor vehicles
146 and watercraft;

147 ~~[(24)]~~ **(28)** "Major appliance", clothes washers and dryers, water heaters, trash
148 compactors, dishwashers, conventional ovens, ranges, stoves, woodstoves, air conditioners,
149 refrigerators and freezers;

150 ~~[(25)]~~ **(29)** "Mercuric-oxide battery" or "mercury battery", a battery having a
151 mercuric-oxide positive electrode, a zinc negative electrode, and an alkaline electrolyte,
152 including mercuric-oxide button cell batteries generally intended for use in hearing aids and
153 larger size mercuric-oxide batteries used primarily in medical equipment;

154 ~~[(26)]~~ **(30)** "Minor violation", a violation which possesses a small potential to harm
155 the environment or human health or cause pollution, was not knowingly committed, and is not
156 defined by the United States Environmental Protection Agency as other than minor;

157 ~~[(27)]~~ **(31)** "Motor oil", any oil intended for use in a motor vehicle, as defined in
158 section 301.010, train, vessel, airplane, heavy equipment, or other machinery powered by an
159 internal combustion engine;

160 ~~[(28)]~~ **(32)** "Motor vehicle", as defined in section 301.010;

161 ~~[(29)]~~ **(33)** "Operator" and "permittee", anyone so designated, and shall include cities,
162 counties, other political subdivisions, authority, state agency or institution, or federal agency
163 or institution;

164 ~~[(30)]~~ **(34)** "Permit modification", any permit issued by the department which alters
165 or modifies the provisions of an existing permit previously issued by the department;

166 ~~[(31)]~~ **(35)** "Person", any individual, partnership, limited liability company,
167 corporation, association, trust, institution, city, county, other political subdivision, authority,
168 state agency or institution, or federal agency or institution, or any other legal entity;

169 ~~[(32)]~~ **(36)** "Plasma arc technology", a process that converts electrical energy into
170 thermal energy. This electric arc is created when an ionized gas transfers electric power
171 between two or more electrodes;

172 ~~[(33)]~~ **(37)** "Post-use polymer", a plastic polymer to which all of the following
173 apply:

174 **(a)** It is derived from any industrial, commercial, agricultural, or household
175 activities;

176 **(b)** It is not mixed with solid waste or hazardous waste on-site or during
177 conversion at the advanced recycling facility;

178 **(c)** The plastic's use or intended use is as a feedstock for the manufacture of
179 feedstocks, other basic hydrocarbons, raw materials, or other intermediate products or
180 final products using advanced recycling;

181 **(d)** The plastic has been sorted from solid waste and other regulated waste but
182 may contain residual amounts of solid waste such as organic material and incidental
183 contaminants or impurities including, but not limited to, paper labels and metal rings;
184 and

185 **(e)** The plastic is converted at an advanced recycling facility or held at such
186 facility prior to conversion;

187 **(38)** "Postclosure plan", plans, designs and relevant data which specify the methods
188 and schedule by which the operator shall perform necessary monitoring and care for the area
189 after closure to achieve the purposes of sections 260.200 to 260.345 and the regulations
190 promulgated thereunder;

191 ~~[(34)]~~ **(39)** "Pyrolysis", a manufacturing process through which post-use
192 polymers are heated in the absence of oxygen until melted and thermally decomposed
193 and are then cooled, condensed, and converted into valuable raw materials and
194 intermediate and final products including, but not limited to, plastic monomers,
195 chemicals, waxes, lubricants, plastic and chemical feedstocks, and other basic
196 hydrocarbons that are returned to economic utility in the form of raw materials and
197 products;

198 **(40) "Recovered feedstock", one or more of the following materials that has been**
199 **converted so that it may be used as feedstock in an advanced recycling facility:**

200 **(a) Post-use polymers; or**

201 **(b) Materials for which the United States Environmental Protection Agency has**
202 **made a nonwaste determination under 40 CFR 241.3(c) or has otherwise determined are**
203 **feedstocks and not solid waste;**

204 **(c) Recovered feedstock does not include unprocessed municipal solid waste;**

205 **(d) Recovered feedstock is not mixed with solid waste or hazardous waste on-site**
206 **or during conversion at an advanced recycling facility;**

207 **(41) "Recovered materials", those materials which have been diverted or removed**
208 **from the solid waste stream for sale, use, reuse or recycling, whether or not they require**
209 **subsequent separation and processing;**

210 ~~[(35)]~~ **(42) "Recycled content", the proportion of fiber in a newspaper which is**
211 **derived from postconsumer waste;**

212 ~~[(36)]~~ **(43) "Recycling", the separation and reuse of materials which might otherwise**
213 **be disposed of as solid waste;**

214 ~~[(37)]~~ **(44) "Resource recovery", a process by which recyclable and recoverable**
215 **material is removed from the waste stream to the greatest extent possible, as determined by**
216 **the department and pursuant to department standards, for reuse or remanufacture;**

217 ~~[(38)]~~ **(45) "Resource recovery facility", a facility in which recyclable and**
218 **recoverable material is removed from the waste stream to the greatest extent possible, as**
219 **determined by the department and pursuant to department standards, for reuse or**
220 **remanufacture;**

221 ~~[(39)]~~ **(46) "Sanitary landfill", a solid waste disposal area which accepts commercial**
222 **and residential solid waste;**

223 ~~[(40)]~~ **(47) "Scrap tire", a tire that is no longer suitable for its original intended**
224 **purpose because of wear, damage, or defect;**

225 ~~[(41)]~~ **(48) "Scrap tire collection center", a site where scrap tires are collected prior to**
226 **being offered for recycling or processing and where fewer than five hundred tires are kept on**
227 **site on any given day;**

228 ~~[(42)]~~ **(49) "Scrap tire end-user facility", a site where scrap tires are used as a fuel or**
229 **fuel supplement or converted into a usable product. Baled or compressed tires used in**
230 **structures, or used at recreational facilities, or used for flood or erosion control shall be**
231 **considered an end use;**

232 ~~[(43)]~~ **(50) "Scrap tire generator", a person who sells tires at retail or any other**
233 **person, firm, corporation, or government entity that generates scrap tires;**

234 ~~[(44)]~~ (51) "Scrap tire processing facility", a site where tires are reduced in volume by
235 shredding, cutting, or chipping or otherwise altered to facilitate recycling, resource recovery,
236 or disposal;

237 ~~[(45)]~~ (52) "Scrap tire site", a site at which five hundred or more scrap tires are
238 accumulated, but not including a site owned or operated by a scrap tire end-user that burns
239 scrap tires for the generation of energy or converts scrap tires to a useful product;

240 ~~[(46)]~~ (53) "Solid waste", garbage, refuse and other discarded materials including, but
241 not limited to, solid and semisolid waste materials resulting from industrial, commercial,
242 agricultural, governmental and domestic activities, but does not include hazardous waste as
243 defined in sections 260.360 to 260.432, recovered materials, **post-use polymers, recovered**
244 **feedstocks**, overburden, rock, tailings, matte, slag or other waste material resulting from
245 mining, milling or smelting;

246 ~~[(47)]~~ (54) "Solid waste disposal area", any area used for the disposal of solid waste
247 from more than one residential premises, or one or more commercial, industrial,
248 manufacturing, recreational, or governmental operations;

249 ~~[(48)]~~ (55) "Solid waste fee", a fee imposed pursuant to sections 260.200 to 260.345
250 and may be:

251 (a) A solid waste collection fee imposed at the point of waste collection; or

252 (b) A solid waste disposal fee imposed at the disposal site;

253 ~~[(49)]~~ (56) "Solid waste management area", a solid waste disposal area which also
254 includes one or more of the functions contained in the definitions of recycling, resource
255 recovery facility, waste tire collection center, waste tire processing facility, waste tire site or
256 solid waste processing facility, excluding incineration. **A solid waste management area**
257 **does not include an advanced recycling facility;**

258 ~~[(50)]~~ (57) "Solid waste management project", a targeted project that meets statewide
259 waste reduction and recycling priorities, and for which no solid waste management district
260 grant applicant has applied to perform, and for which no qualified applicants have applied to
261 perform such project by a competitive bid issued by the solid waste management district for
262 the completion of such project;

263 ~~[(51)]~~ (58) "Solid waste management system", the entire process of managing solid
264 waste in a manner which minimizes the generation and subsequent disposal of solid waste,
265 including waste reduction, source separation, collection, storage, transportation, recycling,
266 resource recovery, volume minimization, processing, market development, and disposal of
267 solid wastes, **but does not include advanced recycling;**

268 ~~[(52)]~~ (59) "Solid waste processing facility", any facility, **except an advanced**
269 **recycling facility**, where solid wastes are salvaged and processed, including:

270 (a) A transfer station; or

271 (b) An incinerator which operates with or without energy recovery but excluding
272 waste tire end-user facilities; or

273 (c) A material recovery facility which operates with or without composting;

274 (d) A plasma arc technology facility;

275 ~~[(53)]~~ **(60)** "Solid waste technician", an individual who has successfully completed
276 training in the practical aspects of the design, operation and maintenance of a permitted solid
277 waste processing facility or solid waste disposal area in accordance with sections 260.200 to
278 260.345;

279 ~~[(54)]~~ **(61)** "Solvolysis", a manufacturing process through which post-use
280 polymers are purified with the aid of solvents while heated at low temperatures or
281 pressurized to make useful products, which allows additives and contaminants to be
282 removed. The products of solvolysis include, but are not limited to, monomers,
283 intermediates, and valuable chemicals and raw materials. The process includes, but is
284 not limited to, hydrolysis, aminolysis, ammonolysis, methanolysis, and glycolysis;

285 **(62)** "Tire", a continuous solid or pneumatic rubber covering encircling the wheel of
286 any self-propelled vehicle not operated exclusively upon tracks, or a trailer as defined in
287 chapter 301, except farm tractors and farm implements owned and operated by a family farm
288 or family farm corporation as defined in section 350.010;

289 ~~[(55)]~~ **(63)** "Used motor oil", any motor oil which, as a result of use, becomes
290 unsuitable for its original purpose due to loss of original properties or the presence of
291 impurities, but used motor oil shall not include ethylene glycol, oils used for solvent
292 purposes, oil filters that have been drained of free flowing used oil, oily waste, oil recovered
293 from oil tank cleaning operations, oil spilled to land or water, or industrial nonlube oils such
294 as hydraulic oils, transmission oils, quenching oils, and transformer oils;

295 ~~[(56)]~~ **(64)** "Utility waste landfill", a solid waste disposal area used for fly ash waste,
296 bottom ash waste, slag waste and flue gas emission control waste generated primarily from
297 the combustion of coal or other fossil fuels;

298 ~~[(57)]~~ **(65)** "Yard waste", leaves, grass clippings, yard and garden vegetation and
299 Christmas trees. The term does not include stumps, roots or shrubs with intact root balls.

300 2. For the purposes of this section and sections 260.270 to 260.279 and any rules in
301 place as of August 28, 2005, or promulgated under said sections, the term "scrap" shall be
302 used synonymously with and in place of waste, as it applies only to scrap tires.

260.205. 1. It shall be unlawful for any person to operate a solid waste processing
2 facility or solid waste disposal area of a solid waste management system without first
3 obtaining an operating permit from the department. It shall be unlawful for any person to
4 construct a solid waste processing facility or solid waste disposal area without first obtaining
5 a construction permit from the department pursuant to this section. A current authorization to

6 operate issued by the department pursuant to sections 260.200 to 260.345 shall be considered
7 to be a permit to operate for purposes of this section for all solid waste disposal areas and
8 processing facilities existing on August 28, 1995. A permit shall not be issued for a sanitary
9 landfill to be located in a flood area, as determined by the department, where flood waters are
10 likely to significantly erode final cover. A permit shall not be required to operate a waste
11 stabilization lagoon, settling pond or other water treatment facility which has a valid permit
12 from the Missouri clean water commission even though the facility may receive solid or
13 semisolid waste materials.

14 2. No person or operator may apply for or obtain a permit to construct a solid waste
15 disposal area unless the person has requested the department to conduct a preliminary site
16 investigation and obtained preliminary approval from the department. The department shall,
17 within sixty days of such request, conduct a preliminary investigation and approve or
18 disapprove the site.

19 3. All proposed solid waste disposal areas for which a preliminary site investigation
20 request pursuant to subsection 2 of this section is received by the department on or after
21 August 28, 1999, shall be subject to a public involvement activity as part of the permit
22 application process. The activity shall consist of the following:

23 (1) The applicant shall notify the public of the preliminary site investigation approval
24 within thirty days after the receipt of such approval. Such public notification shall be by
25 certified mail to the governing body of the county or city in which the proposed disposal area
26 is to be located and by certified mail to the solid waste management district in which the
27 proposed disposal area is to be located;

28 (2) Within ninety days after the preliminary site investigation approval, the
29 department shall conduct a public awareness session in the county in which the proposed
30 disposal area is to be located. The department shall provide public notice of such session by
31 both printed and broadcast media at least thirty days prior to such session. Printed
32 notification shall include publication in at least one newspaper having general circulation
33 within the county in which the proposed disposal area is to be located. Broadcast notification
34 shall include public service announcements on radio stations that have broadcast coverage
35 within the county in which the proposed disposal area is to be located. The intent of such
36 public awareness session shall be to provide general information to interested citizens on the
37 design and operation of solid waste disposal areas;

38 (3) At least sixty days prior to the submission to the department of a report on the
39 results of a detailed site investigation pursuant to subsection 4 of this section, the applicant
40 shall conduct a community involvement session in the county in which the proposed disposal
41 area is to be located. Department staff shall attend any such session. The applicant shall
42 provide public notice of such session by both printed and broadcast media at least thirty days

43 prior to such session. Printed notification shall include publication in at least one newspaper
44 having general circulation within the county in which the proposed disposal area is to be
45 located. Broadcast notification shall include public service announcements on radio stations
46 that have broadcast coverage within the county in which the proposed disposal area is to be
47 located. Such public notices shall include the addresses of the applicant and the department
48 and information on a public comment period. Such public comment period shall begin on the
49 day of the community involvement session and continue for at least thirty days after such
50 session. The applicant shall respond to all persons submitting comments during the public
51 comment period no more than thirty days after the receipt of such comments;

52 (4) If a proposed solid waste disposal area is to be located in a county or city that has
53 local planning and zoning requirements, the applicant shall not be required to conduct a
54 community involvement session if the following conditions are met:

55 (a) The local planning and zoning requirements include a public meeting;

56 (b) The applicant notifies the department of intent to utilize such meeting in lieu of
57 the community involvement session at least thirty days prior to such meeting;

58 (c) The requirements of such meeting include providing public notice by printed or
59 broadcast media at least thirty days prior to such meeting;

60 (d) Such meeting is held at least thirty days prior to the submission to the department
61 of a report on the results of a detailed site investigation pursuant to subsection 4 of this
62 section;

63 (e) The applicant submits to the department a record of such meeting;

64 (f) A public comment period begins on the day of such meeting and continues for at
65 least fourteen days after such meeting, and the applicant responds to all persons submitting
66 comments during such public comment period no more than fourteen days after the receipt of
67 such comments.

68 4. No person may apply for or obtain a permit to construct a solid waste disposal area
69 unless the person has submitted to the department a plan for conducting a detailed surface and
70 subsurface geologic and hydrologic investigation and has obtained geologic and hydrologic
71 site approval from the department. The department shall approve or disapprove the plan
72 within thirty days of receipt. The applicant shall conduct the investigation pursuant to the
73 plan and submit the results to the department. The department shall provide approval or
74 disapproval within sixty days of receipt of the investigation results.

75 5. (1) Every person desiring to construct a solid waste processing facility or solid
76 waste disposal area shall make application for a permit on forms provided for this purpose by
77 the department. Every applicant shall submit evidence of financial responsibility with the
78 application. Any applicant who relies in part upon a parent corporation for this demonstration

79 shall also submit evidence of financial responsibility for that corporation and any other
80 subsidiary thereof.

81 (2) Every applicant shall provide a financial assurance instrument or instruments to
82 the department prior to the granting of a construction permit for a solid waste disposal area.
83 The financial assurance instrument or instruments shall be irrevocable, meet all requirements
84 established by the department and shall not be cancelled, revoked, disbursed, released or
85 allowed to terminate without the approval of the department. After the cessation of active
86 operation of a sanitary landfill, or other solid waste disposal area as designed by the
87 department, neither the guarantor nor the operator shall cancel, revoke or disburse the
88 financial assurance instrument or allow the instrument to terminate until the operator is
89 released from postclosure monitoring and care responsibilities pursuant to section 260.227.

90 (3) The applicant for a permit to construct a solid waste disposal area shall provide
91 the department with plans, specifications, and such other data as may be necessary to comply
92 with the purpose of sections 260.200 to 260.345. The application shall demonstrate
93 compliance with all applicable local planning and zoning requirements. The department shall
94 make an investigation of the solid waste disposal area and determine whether it complies with
95 the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant
96 to sections 260.200 to 260.345. Within twelve consecutive months of the receipt of an
97 application for a construction permit the department shall approve or deny the application.
98 The department shall issue rules and regulations establishing time limits for permit
99 modifications and renewal of a permit for a solid waste disposal area. The time limit shall be
100 consistent with this chapter.

101 (4) The applicant for a permit to construct a solid waste processing facility shall
102 provide the department with plans, specifications and such other data as may be necessary to
103 comply with the purpose of sections 260.200 to 260.345. Within one hundred eighty days of
104 receipt of the application, the department shall determine whether it complies with the
105 provisions of sections 260.200 to 260.345. Within twelve consecutive months of the receipt
106 of an application for a permit to construct an incinerator as ~~defined~~ **described in the**
107 **definition of "solid waste processing facility"** in section 260.200 or a material recovery
108 facility as ~~defined~~ **described in the definition of "solid waste processing facility"** in
109 section 260.200, and within six months for permit modifications, the department shall
110 approve or deny the application. Permits issued for solid waste facilities shall be for the
111 anticipated life of the facility.

112 (5) If the department fails to approve or deny an application for a permit or a permit
113 modification within the time limits specified in subdivisions (3) and (4) of this subsection, the
114 applicant may maintain an action in the circuit court of Cole County or that of the county in
115 which the facility is located or is to be sited. The court shall order the department to show

116 cause why it has not acted on the permit and the court may, upon the presentation of evidence
117 satisfactory to the court, order the department to issue or deny such permit or permit
118 modification. Permits for solid waste disposal areas, whether issued by the department or
119 ordered to be issued by a court, shall be for the anticipated life of the facility.

120 (6) The applicant for a permit to construct a solid waste processing facility shall pay
121 an application fee of one thousand dollars. Upon completion of the department's evaluation
122 of the application, but before receiving a permit, the applicant shall reimburse the department
123 for all reasonable costs incurred by the department up to a maximum of four thousand dollars.
124 The applicant for a permit to construct a solid waste disposal area shall pay an application fee
125 of two thousand dollars. Upon completion of the department's evaluations of the application,
126 but before receiving a permit, the applicant shall reimburse the department for all reasonable
127 costs incurred by the department up to a maximum of eight thousand dollars. Applicants who
128 withdraw their application before the department completes its evaluation shall be required to
129 reimburse the department for costs incurred in the evaluation. The department shall not
130 collect the fees authorized in this subdivision unless it complies with the time limits
131 established in this section.

132 (7) When the review reveals that the facility or area does conform with the provisions
133 of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections
134 260.200 to 260.345, the department shall approve the application and shall issue a permit for
135 the construction of each solid waste processing facility or solid waste disposal area as set
136 forth in the application and with any permit terms and conditions which the department deems
137 appropriate. In the event that the facility or area fails to meet the rules and regulations
138 adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the
139 applicant stating the reason for denial of a permit.

140 6. Plans, designs, and relevant data for the construction of solid waste processing
141 facilities and solid waste disposal areas shall be submitted to the department by a registered
142 professional engineer licensed by the state of Missouri for approval prior to the construction,
143 alteration or operation of such a facility or area.

144 7. Any person or operator as defined in section 260.200 who intends to obtain a
145 construction permit in a solid waste management district with an approved solid waste
146 management plan shall request a recommendation in support of the application from the
147 executive board created in section 260.315. The executive board shall consider the impact of
148 the proposal on, and the extent to which the proposal conforms to, the approved district solid
149 waste management plan prepared pursuant to section 260.325. The executive board shall act
150 upon the request for a recommendation within sixty days of receipt and shall submit a
151 resolution to the department specifying its position and its recommendation regarding
152 conformity of the application to the solid waste plan. The board's failure to submit a

153 resolution constitutes recommendation of the application. The department may consider the
154 application, regardless of the board's action thereon and may deny the construction permit if
155 the application fails to meet the requirements of sections 260.200 to 260.345, or if the
156 application is inconsistent with the district's solid waste management plan.

157 8. If the site proposed for a solid waste disposal area is not owned by the applicant,
158 the owner or owners of the site shall acknowledge that an application pursuant to sections
159 260.200 to 260.345 is to be submitted by signature or signatures thereon. The department
160 shall provide the owner with copies of all communication with the operator, including
161 inspection reports and orders issued pursuant to section 260.230.

162 9. The department shall not issue a permit for the operation of a solid waste disposal
163 area designed to serve a city with a population of greater than four hundred thousand located
164 in more than one county, if the site is located within one-half mile of an adjoining
165 municipality, without the approval of the governing body of such municipality. The
166 governing body shall conduct a public hearing within fifteen days of notice, shall publicize
167 the hearing in at least one newspaper having general circulation in the municipality, and shall
168 vote to approve or disapprove the land disposal facility within thirty days after the close of the
169 hearing.

170 10. **(1)** Upon receipt of an application for a permit to construct a solid waste
171 processing facility or disposal area, the department shall notify the public of such receipt:

172 ~~[(1)]~~ **(a)** By legal notice published in a newspaper of general circulation in the area of
173 the proposed disposal area or processing facility;

174 ~~[(2)]~~ **(b)** By certified mail to the governing body of the county or city in which the
175 proposed disposal area or processing facility is to be located; and

176 ~~[(3)]~~ **(c)** By mail to the last known address of all record owners of contiguous real
177 property or real property located within one thousand feet of the proposed disposal area and,
178 for a proposed processing facility, notice as provided in section 64.875 or section 89.060,
179 whichever is applicable.

180 **(2)** If an application for a construction permit meets all statutory and regulatory
181 requirements for issuance, a public hearing on the draft permit shall be held by the department
182 in the county in which the proposed solid waste disposal area is to be located prior to the
183 issuance of the permit. The department shall provide public notice of such hearing by both
184 printed and broadcast media at least thirty days prior to such hearing. Printed notification
185 shall include publication in at least one newspaper having general circulation within the
186 county in which the proposed disposal area is to be located. Broadcast notification shall
187 include public service announcements on radio stations that have broadcast coverage within
188 the county in which the proposed disposal area is to be located.

11. After the issuance of a construction permit for a solid waste disposal area, but prior to the beginning of disposal operations, the owner and the department shall execute an easement to allow the department, its agents or its contractors to enter the premises to complete work specified in the closure plan, or to monitor or maintain the site or to take remedial action during the postclosure period. After issuance of a construction permit for a solid waste disposal area, but prior to the beginning of disposal operations, the owner shall submit evidence that ~~he or she~~ **such owner** has recorded, in the office of the recorder of deeds in the county where the disposal area is located, a notice and covenant running with the land that the property has been permitted as a solid waste disposal area and prohibits use of the land in any manner which interferes with the closure and, where appropriate, postclosure plans filed with the department.

12. Every person desiring to obtain a permit to operate a solid waste disposal area or processing facility shall submit applicable information and apply for an operating permit from the department. The department shall review the information and determine, within sixty days of receipt, whether it complies with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345. When the review reveals that the facility or area does conform with the provisions of sections 260.200 to 260.345 and the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a permit for the operation of each solid waste processing facility or solid waste disposal area and with any permit terms and conditions which the department deems appropriate. In the event that the facility or area fails to meet the rules and regulations adopted pursuant to sections 260.200 to 260.345, the department shall issue a report to the applicant stating the reason for denial of a permit.

13. Each solid waste disposal area, except utility waste landfills unless otherwise and to the extent required by the department, and those solid waste processing facilities designated by rule, shall be operated under the direction of a certified solid waste technician in accordance with sections 260.200 to 260.345 and the rules and regulations promulgated pursuant to sections 260.200 to 260.345.

14. Base data for the quality and quantity of groundwater in the solid waste disposal area shall be collected and submitted to the department prior to the operation of a new or expansion of an existing solid waste disposal area. Base data shall include a chemical analysis of groundwater drawn from the proposed solid waste disposal area.

15. Leachate collection and removal systems shall be incorporated into new or expanded sanitary landfills which are permitted after August 13, 1986. The department shall assess the need for a leachate collection system for all types of solid waste disposal areas, other than sanitary landfills, and the need for monitoring wells when it evaluates the application for all new or expanded solid waste disposal areas. The department may require

226 an operator of a solid waste disposal area to install a leachate collection system before the
227 beginning of disposal operations, at any time during disposal operations for unfilled portions
228 of the area, or for any portion of the disposal area as a part of a remedial plan. The
229 department may require the operator to install monitoring wells before the beginning of
230 disposal operations or at any time during the operational life or postclosure care period if it
231 concludes that conditions at the area warrant such monitoring. The operator of a demolition
232 landfill or utility waste landfill shall not be required to install a leachate collection and
233 removal system or monitoring wells unless otherwise and to the extent the department so
234 requires based on hazardous waste characteristic criteria or site specific geohydrological
235 characteristics or conditions.

236 16. Permits granted by the department, as provided in sections 260.200 to 260.345,
237 shall be subject to suspension for a designated period of time, civil penalty or revocation
238 whenever the department determines that the solid waste processing facility or solid waste
239 disposal area is, or has been, operated in violation of sections 260.200 to 260.345 or the rules
240 or regulations adopted pursuant to sections 260.200 to 260.345, or has been operated in
241 violation of any permit terms and conditions, or is creating a public nuisance, health hazard,
242 or environmental pollution. In the event a permit is suspended or revoked, the person named
243 in the permit shall be fully informed as to the reasons for such action.

244 17. Each permit for operation of a facility or area shall be issued only to the person
245 named in the application. Permits are transferable as a modification to the permit. An
246 application to transfer ownership shall identify the proposed permittee. A disclosure
247 statement for the proposed permittee listing violations contained in the definition of
248 disclosure statement found in section 260.200 shall be submitted to the department. The
249 operation and design plans for the facility or area shall be updated to provide compliance with
250 the currently applicable law and rules. A financial assurance instrument in such an amount
251 and form as prescribed by the department shall be provided for solid waste disposal areas by
252 the proposed permittee prior to transfer of the permit. The financial assurance instrument of
253 the original permittee shall not be released until the new permittee's financial assurance
254 instrument has been approved by the department and the transfer of ownership is complete.

255 18. Those solid waste disposal areas permitted on January 1, 1996, shall, upon
256 submission of a request for permit modification, be granted a solid waste management area
257 operating permit if the request meets reasonable requirements set out by the department.

258 19. In case a permit required pursuant to this section is denied or revoked, the person
259 may ~~request a hearing~~ **appeal such decision** in accordance with section 260.235.

260 20. Every applicant for a permit shall file a disclosure statement with the information
261 required by and on a form developed by the department of natural resources at the same time
262 the application for a permit is filed with the department.

263 21. Upon request of the director of the department of natural resources, the applicant
264 for a permit, any person that could reasonably be expected to be involved in management
265 activities of the solid waste disposal area or solid waste processing facility, or any person who
266 has a controlling interest in any permittee shall be required to submit to a criminal
267 background check under section 43.543.

268 22. All persons required to file a disclosure statement shall provide any assistance or
269 information requested by the director or by the Missouri state highway patrol and shall
270 cooperate in any inquiry or investigation conducted by the department and any inquiry,
271 investigation or hearing conducted by the director. If, upon issuance of a formal request to
272 answer any inquiry or produce information, evidence or testimony, any person required to file
273 a disclosure statement refuses to comply, the application of an applicant or the permit of a
274 permittee may be denied or revoked by the director.

275 23. If any of the information required to be included in the disclosure statement
276 changes, or if any additional information should be added after the filing of the statement, the
277 person required to file it shall provide that information to the director in writing, within thirty
278 days after the change or addition. The failure to provide such information within thirty days
279 may constitute the basis for the revocation of or denial of an application for any permit issued
280 or applied for in accordance with this section, but only if, prior to any such denial or
281 revocation, the director notifies the applicant or permittee of the director's intention to do so
282 and gives the applicant or permittee fourteen days from the date of the notice to explain why
283 the information was not provided within the required thirty-day period. The director shall
284 consider this information when determining whether to revoke, deny or conditionally grant
285 the permit.

286 24. No person shall be required to submit the disclosure statement required by this
287 section if the person is a corporation or an officer, director or shareholder of that corporation
288 or any subsidiary thereof, and that corporation:

289 (1) Has on file and in effect with the federal Securities and Exchange Commission a
290 registration statement required under Section 5, Chapter 38, Title 1 of the Securities Act of
291 1933, as amended, 15 U.S.C. Section 77e(c);

292 (2) Submits to the director with the application for a permit evidence of the
293 registration described in subdivision (1) of this subsection and a copy of the corporation's
294 most recent annual form 10-K or an equivalent report; and

295 (3) Submits to the director on the anniversary date of the issuance of any permit it
296 holds under the Missouri solid waste management law evidence of registration described in
297 subdivision (1) of this subsection and a copy of the corporation's most recent annual form 10-
298 K or an equivalent report.

299 25. After permit issuance, each facility shall annually file an update to the disclosure
300 statement with the department of natural resources on or before March thirty-first of each
301 year. Failure to provide such update may result in penalties as provided for under section
302 260.240.

303 26. Any county, district, municipality, authority, or other political subdivision of this
304 state which owns and operates a sanitary landfill shall be exempt from the requirement for the
305 filing of the disclosure statement and annual update to the disclosure statement.

306 27. Any person seeking a permit to operate a solid waste disposal area, a solid waste
307 processing facility, or a resource recovery facility shall, concurrently with the filing of the
308 application for a permit, disclose any convictions in this state, county or county-equivalent
309 public health or land use ordinances related to the management of solid waste. If the
310 department finds that there has been a continuing pattern of adjudicated violations by the
311 applicant, the department may deny the application.

312 28. No permit to construct or permit to operate shall be required pursuant to this
313 section for any utility waste landfill located in a county of the third classification with a
314 township form of government which has a population of at least eleven thousand inhabitants
315 and no more than twelve thousand five hundred inhabitants according to the most recent
316 decennial census, if such utility waste landfill complies with all design and operating
317 standards and closure requirements applicable to utility waste landfills pursuant to sections
318 260.200 to 260.345 and provided that no waste disposed of at such utility waste landfill is
319 considered hazardous waste pursuant to the Missouri hazardous waste law.

320 **29. Advanced recycling facilities are not subject to the requirements of this**
321 **section.**

260.210. 1. It is unlawful for any person to:

2 (1) Dump or deposit, or permit dumping or depositing of any solid wastes onto the
3 surface of the ground or into streams, springs, and all bodies of surface or ground water,
4 whether natural or artificial, within the boundaries of the state except in a solid waste
5 processing facility or solid waste disposal area having a permit as required by section
6 260.205; provided that, this subdivision shall not prohibit the use or require a permit for the
7 use of solid wastes in normal farming operations or in the processing or manufacturing of
8 other products **including, but not limited to, the use of advanced recycling at advanced**
9 **recycling facilities**, in a manner that will not create a public nuisance or adversely affect the
10 public health, and shall not prohibit the disposal of or require a permit for the disposal by an
11 individual of solid wastes resulting from ~~[his or her]~~ **such individual's** own residential
12 activities on property owned or lawfully occupied by ~~[him or her]~~ **such individual** when such
13 wastes do not thereby create a public nuisance or adversely affect the public health;

14 (2) Construct or alter a solid waste processing facility or solid waste disposal area of a
15 solid waste management system without approval from the department;

16 (3) Conduct any solid waste burning operations in violation of the rules and
17 regulations of the Missouri air conservation commission or the department;

18 (4) Except as otherwise provided, store, collect, transport, process, or dispose of solid
19 waste in violation of the rules, regulations or orders of the department or in such a manner as
20 to create a public nuisance or adversely affect the public health; or

21 (5) Refuse entry or access, requested for purposes of inspecting solid waste
22 processing facilities or solid waste disposal areas, to an agent or employee of the department
23 who presents appropriate credentials, or hinder the agent or employee in carrying out the
24 inspection. A suitably restricted search warrant, upon a showing of probable cause in writing
25 and upon oath, shall be issued by any circuit or associate circuit judge having jurisdiction to
26 any such agent or employee for the purpose of enabling him to make such inspection.

27 2. Information obtained from waste disposed or deposited in violation of this section
28 may be a rebuttable presumption that the person so identified committed the violation of
29 sections 260.200 to 260.345. If the operator or passenger of any vehicle is witnessed by a
30 peace officer or employee of the department of natural resources to have violated the
31 provisions of this section and the identity of the operator is not determined or otherwise
32 apparent, it may be a rebuttable presumption that the person in whose name such vehicle is
33 registered committed the violation.

34 3. No person shall be held responsible pursuant to this section for the dumping or
35 depositing of any solid waste on land owned or lawfully occupied by ~~[him or her]~~ **such**
36 **person** without ~~[his or her]~~ **such person's** express or implied consent, permission or
37 knowledge.

38 4. The department shall investigate reports of the dumping or depositing of solid
39 waste or demolition waste in a manner contrary to the requirements of sections 260.200 to
40 260.345. The department shall immediately issue a cease and desist order if it determines that
41 any person has been or is dumping or depositing solid waste or demolition waste, or has
42 allowed the dumping or disposal of solid waste or demolition waste or has received
43 compensation for same, in a manner contrary to sections 260.200 to 260.345. The department
44 shall order the owner of the property or the person placing solid waste or demolition waste
45 thereon, or both, to remove all solid waste from the premises if it determines that the waste
46 might be reasonably expected to cause a public nuisance or health hazard.

47 5. The department shall order a site cleaned up pursuant to the provisions of section
48 260.230, when it determines that the property owner or the operator has accepted
49 remuneration or otherwise benefitted financially for placing solid waste or demolition
50 waste in or on the site in contravention of this section. Persons who knowingly haul solid

51 waste or demolition waste to a site which is operating without a permit, persons who operate
52 such a site and persons who own the property where the solid waste or demolition waste is
53 being dumped or deposited shall be jointly and severally liable for cleanup costs and any
54 damage to third parties caused by the dumping or disposing of solid waste or demolition
55 waste on the property if the owner or operator has accepted remuneration or otherwise
56 benefitted financially from such disposal. The provisions of sections 260.230 and 260.240,
57 relating to the issuance of orders, shall be applicable to an action pursuant to this section.
58 Any person aggrieved by any action of the department pursuant to this section may appeal in
59 the manner provided in section 260.235. Any person may bring civil action for actual and
60 exemplary damages against the responsible party if the person has sustained injury due to
61 violations of this section.

62 6. Notwithstanding subsection 1 of section 260.250, any solid waste disposal area or
63 solid waste processing facility serving a city with a population of more than four hundred
64 thousand inhabitants may accept yard waste commingled with solid waste that results from an
65 illegal dump cleanup activity or program conducted by the local government of such city
66 pursuant to this section. The local government of such city shall provide certification to the
67 solid waste disposal area or solid waste processing facility that the origin of the yard waste is
68 from the cleanup of illegally dumped solid waste.

69 7. Any person who engages in building construction, modification or in construction,
70 modification or demolition which produces demolition waste, in types and quantities
71 established by the department, shall dispose of such waste in a demolition or sanitary landfill
72 or other authorized sites as provided by rule. Each such person shall maintain records of sites
73 used for demolition disposal for a period of one year. These records shall be made available
74 to the department upon request.

75 8. Cities and counties which issue building permits shall reprint the following on each
76 permit or on a separate notice:

77 "Notice: The disposal of demolition waste is regulated by the department of natural
78 resources pursuant to chapter 260, RSMo. Such waste, in types and quantities established by
79 the department, shall be taken to a demolition landfill or a sanitary landfill for disposal."

80 9. A demolition landfill may accept clean fill, waste resulting from building or
81 demolishing structures and all other waste not required to be placed in a sanitary landfill or a
82 hazardous waste disposal facility for final disposition.

83 10. Notwithstanding subsection 7 of this section, certain wastes may be disposed of as
84 provided by this subsection:

85 (1) A person engaged in any activity which produces clean fill may use such material
86 for fill, reclamation or other beneficial purposes on ~~[his or her]~~ **such person's** own property

87 or on the property of another person with the permission of the owner of such property,
88 provided that such use does not violate any state law or local ordinance or order;

89 (2) A person engaged in any activity which produces wood waste may reuse or
90 recycle such waste or may dispose of wood waste on the site where generated if such disposal
91 is in compliance with applicable state law or local ordinances or orders;

92 (3) A person who engages in clearance, trimming or removal of trees, brush or other
93 vegetation may use wood wastes from such activities for beneficial purposes including, but
94 not limited to, firewood, ground cover, erosion control, mulch, compost or cover for wildlife.

260.212. 1. A person commits the offense of criminal disposition of solid waste if he
2 purposely or knowingly disposes of or causes the disposal of more than five hundred pounds
3 or one hundred cubic feet of commercial or residential solid waste on property in this state
4 other than a solid waste processing facility or solid waste disposal area having a permit as
5 required by section 260.205; provided that, this subsection shall not prohibit the use or require
6 a solid waste permit for the use of solid wastes in normal farming operations or in the
7 processing or manufacturing of other products **including, but not limited to, the use of**
8 **advanced recycling at advanced recycling facilities** in a manner that will not create a public
9 nuisance or adversely affect public health and shall not prohibit the disposal of or require a
10 solid waste permit for the disposal by an individual of solid wastes resulting from ~~[his or her]~~
11 **such individual's** own residential activities on property owned or lawfully occupied by ~~[him~~
12 ~~or her]~~ **such individual** when such wastes do not thereby create a public nuisance or
13 adversely affect the public health. Criminal disposition of solid waste is a class E felony. In
14 addition to other penalties prescribed by law, a person convicted of criminal disposition of
15 solid waste is subject to a fine, and the magnitude of the fine shall reflect the seriousness or
16 potential seriousness of the threat to human health and the environment posed by the
17 violation, but shall not exceed twenty thousand dollars, except that if a court of competent
18 jurisdiction determines that the person responsible for illegal disposal of solid waste under
19 this subsection did so for remuneration as a part of an ongoing commercial activity, the court
20 shall set a fine which reflects the seriousness or potential threat to human health and the
21 environment which at least equals the economic gain obtained by the person, and such fine
22 may exceed the maximum established herein.

23 2. The court shall order any person convicted of illegally disposing of solid waste
24 upon ~~[his or her]~~ **such person's** own property for remuneration to clean up such waste and, if
25 ~~[he or she]~~ **such person** fails to clean up the waste or if ~~[he or she]~~ **such person** is unable to
26 clean up the waste, the court may notify the county recorder of the county containing the
27 illegal disposal site. The notice shall be designed to be recorded on the record.

28 3. The court may order restitution by requiring any person convicted under this
29 section to clean up any commercial or residential solid waste ~~[he]~~ **such person** illegally

30 dumped and the court may require any such person to perform additional community service
31 by cleaning up commercial or residential solid waste illegally dumped by other persons.

32 4. The prosecutor of any county or circuit attorney of any city not within a county
33 may, by information or indictment, institute a prosecution for any violation of the provisions
34 of this section.

35 5. Any person shall be guilty of conspiracy as defined in section 562.014 if ~~[he]~~ **such**
36 **person** knows or should have known that ~~[his or her]~~ **such person's** agent or employee has
37 committed the acts described in sections 260.210 to 260.212 while engaged in the course of
38 employment.

✓